REMARKS

Claim 15 has been amended. Claims 1-20 are pending in the application and presented for examination. Applicant respectfully requests allowance of the present application in view of the following remarks.

Request For Withdrawal of Finality:

The Examiner stated that the Office Action was made final because Applicant's submission of an information disclosure statement with the fee set forth in 37 C.F.R. 1.17(p) prompted the new grounds of rejection. This is factually incorrect. The information disclosure statement was not submitted with a fee under 37 C.F.R. 1.17(p), but rather was submitted with a statement under 37 C.F.R. 1.97(e).

Final rejection is only appropriate under these facts if (1) Applicant amended the application and (2) those amendments necessitated the new grounds for rejection. M.P.E.P. 609(B)(2)(ii). Original claims 1-10 and were never amended, thus the new grounds for rejection could not have been necessitated by amendments. Similarly, new claims 11-20 were never amended and thus the new grounds for rejection could not have been necessitated by amendments. Moreover, The Examiner has not provided any explanation why the "amendments" necessitated the new grounds for rejection. Thus, Applicant respectfully requests withdrawal of the finality of the Office Action.

Response To Rejection Under Section 112:

Claim 15 stands rejected under 35 U.S.C. § 112, second paragraph, the Examiner asserting that the language therein is indefinite because the terms "the gas flow" and "the gas

pressure" are not clear, and suggested that the terms be changed to "a gas flow" and "a gas pressure." Applicant has amended claim 15 as suggest by the Examiner and therefore respectfully requests the Examiner to withdraw the Section 112 rejection.

Response To Rejections Under Section 103:

Claims 1-20 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over G.B. Patent No. 2,289,286 to Willis ("Willis") in view of U.S. Patent No. 4,202,865 to Preston, Jr. ("Preston"). The Examiner apparently reads Willis as teaching the claimed invention except for using the feed fuel for a fuel cell system as taught by Preston and believes that it would have been obvious to combine Carnell with Preston.

Applicant respectfully disagrees with the Examiner's reading of Willis. Willis addresses the problem of high sulfur fuel feedstocks and provides a method for the reduction of sulfur concentration in a fuel feedstock. In particular, Willis (a) segregates the fuel feedstock stream into a high-sulfur stream (minor permeate) and a low-sulfur stream (major impermeate), (b) passes the high-sulfur stream to a regenerable liquid to reduce the hydrogen sulfide from the high-sulfur stream and produce a first reduced-sulfur stream, (c) passes the low-sulfur stream to a non-regenerable solid hydrogen sulphide absorbent to reduce the hydrogen sulfide from the low-sulfur stream and produce a second reduced-sulfur stream, and (d) combines the first reduced-sulfur stream with the second reduced-sulfur stream to provide a fuel feedstock having a reduced sulfur concentration.

In contrast, Applicant's invention is not directed toward reducing sulfur concentration in fuel feedstocks. Rather, Applicant's invention is directed toward providing a fuel cell system with a low-sulfur concentration fuel. In particular, Applicant's invention (1) segregates the fuel

feedstock stream into a high-sulfur stream and a low-sulfur stream, (2) passes the high-sulfur stream back into the fuel feedstock, (3) passes the low-sulfur stream through a sulfur selective membrane to reduce the sulfur content, and (4) passes the low-sulfur stream through a sulfur sorbent medium to further reduce the sulfur content for use as a feed fuel for the fuel cell system.

Thus, among other things, Willis is significantly different because it combines the first reduced-sulfur stream with the second reduced-sulfur stream to provide a fuel feedstock having an overall reduced sulfur concentration. In contrast, Applicant's invention segregates the reduced sulfur high-sulfur stream from the low-sulfur stream, passing the high-sulfur stream back into the fuel feedstock which increases the fuel feedstock sulfur content and assists in gas leak detection. (see e.g. spec., page 3 lines 23 - 30), and passing the low-sulfur stream through to the fuel cell system to allow the fuel cell system to operate with the preferred low-sulfur fuel (see e.g. spec., page 1 lines 23 - 29).

In view of the above, it is respectfully submitted that claims 1-20 are patentable. Reconsideration and withdrawal of the Section 103 rejection is respectfully requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejections and timely pass the application to allowance.

Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 5/21/12

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VERSION WITH MARKINGS TO SHOW CHANGES MADE
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In The Claims:

Claim 15 has been amended as follows:

15. (Amended) The method of claim 11, wherein [the] a gas flow is measured and [the] a gas pressure is adjusted based upon the gas flow measurement.